

FILED

August 18, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE
OF:

Administrative Action

ALEXANDER B. KUDRYK, M.D.

CONSENT ORDER OF
: REINSTATEMENT OF LICENSE

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

This matter was most recently opened to the New Jersey State Board of Medical Examiners (**the Board**) by way of respondent's **petition** for reinstatement of his **license** which was automatically **suspended** on April 26, 2002 upon **receipt** of a letter dated April 22, 2002 from Louis E. Baxter, M.D., F.A.S.A.M., Executive Medical Director of the Physicians' Health Program of the Medical Society of New Jersey ("PHP"), which gave notice that **Respondent**, Alexander B. Kudryk, M.D., had admitted to suffering a relapse into the abuse of **alcohol**. The Respondent notified the PHP of this most recent

CERTIFIED TRUE COPY

relapse after being involved in an alcohol-related automobile accident on April 19, 2002.

Respondent has a long history of abuse of alcohol and involvement with the PHP. In May of 1991, respondent entered an inpatient alcohol rehabilitation program and voluntarily ceased to practice medicine. A Consent Order was filed in September of 1991 which permitted respondent to practice medicine pursuant to stringent restrictions. In May of 1993, another Consent Order was filed in which certain restrictions were relaxed and respondent agreed to refrain from seeking modification of the Order for a minimum of one year. Respondent was granted an unrestricted license on May 15, 1995.

Respondent's history also includes the entry of another Consent Order on January 16, 2001 following the board's finding that he had failed to inform the PHP about his consumption of alcohol on May 30, 1999 and his subsequent arrest and conviction for Driving Under the Influence of Alcohol/Drugs ("DUI"). The Board also found that Respondent had failed to disclose his DUI conviction on his Controlled Dangerous Substances Annual Renewal Form. In addition, the Board found that the respondent had failed to properly monitor the collection of another physician's urine samples on behalf of the PHP. Pursuant to this Consent Order, the respondent was suspended from the practice of medicine and surgery for three months but this period of suspension was stayed and was served as a period of probation.

Respondent appeared with Dr. Baxter in support of his petition for reinstatement as his **license** was automatically suspended on **April 26, 2002**. He appeared before the April 26, 2003 Preliminary Evaluation Committee of the Board and testified that he **completed** an inpatient rehabilitation **program** at Alina Lodge **and was discharged** on January 16, 2003. He also **testified** that all urines tested for the **past** year have **been** negative **for** the presence of psychoactive substances, he has **been Living** independently, maintaining sobriety and is **committed** to the 12 **Step** Program. Dr. Baxter presented *a position* statement supporting this physician's reinstatement with protections embodied in a public Consent Order. The Board **was** of the opinion that respondent **demonstrated a renewed** commitment to **sobriety** as evidenced **by his** lengthy inpatient stay **and** his strict compliance with his recovery program. However, given **respondent's long history** of reported relapses, **the Board will not look** favorably upon any future lapse in sobriety. Therefore, for **good cause shown, the Board finds** this Order adequately protective of the public interest,

ACCORDINGLY, IT IS on this 18th day of August 2003,

ORDERED that:

1. **Respondent's** license to practice medicine shall be reinstated with the following **conditions**:

a. Respondent's practice of medicine shall be restricted to practice as an **employee** in a structured group or institutional

setting with notification to his employers of this Order. He shall not **practice** medicine in a solo capacity.

b. **Respondent** shall ensure that his **employer** provides reports to the **Medical Director** of the Board monthly for the first six (6) months of practice and quarterly for the first year of practice.

c. Respondent shall maintain absolute abstinence from all **psychoactive** substances unless prescribed by a treating physician aware of his history of alcohol abuse and for a **documented** medical **condition** and *in the* usual **course** of the physician's medical practice with **notification** to the **Executive Medical Director** of the Physicians' Health Program;

d. **Respondent** shall demonstrate regular **attendance** at the **support group** of Alcoholics Anonymous at a **frequency** of not **less** than four **meetings per** week.

e. **Respondent** shall continue **counseling** aftercare with Mr. Harold Clotsworthy.

f. **Respondent** shall submit to random, twice weekly urine monitoring under the **auspices** of the Physicians' Health Program for the **first** year of his return to practice and random, weekly screens thereafter for the life of his **license**;

g. Respondent shall **become knowledgeable about** any and all foods or **food** additives or **other** products which may confound the validity of urine screening and shall refrain from ingesting **or** otherwise using or employing any such product.

h. **Respondent** shall comply with monthly face-to-face **visits** with a representative of the Physicians' Health Program;

i. **Respondent** shall be **responsible to ensure** that the Physicians' Health Program supplies quarterly **reports** to the Board regarding his progress. The first report shall be filed within one **month** of the **execution** of this Order. An immediate (within 24 hours of awareness) report both **orally** and **in writing**, shall be made **by the** PHP to the board of any information that **respondent** engaged in any violation of any **laws** regarding controlled dangerous substances or **any** positive urine **screen** or failure to **appear** for urine monitoring. Further, **respondent expressly** waives **any** claim to privilege **or** confidentiality that he may have concerning the **above** outlined **reports** and disclosures by **the** PHP to the Board and specifically agrees to **the** use of such documents **by the** Board in connection with licensure and **disciplinary** actions.

2. **Respondent** hereby consents to the PHP **reporting** to the Board **any indication** of a slip, **relapse**, non-compliance with the recovery program or any use of psychoactive substances **unless** prescribed **by** a treating physician. There is to be **immediate** notification, **by** name, to the Board's Executive Director and Medical Director.

3. In the event, upon **the** Board's **receipt** of any information which **the** Board in its sole discretion deems reliable, that **respondent** has materially failed to **comply** with any **of** the conditions set forth above, **or** any report **of** a confirmed positive

urine, or a prima facie **showing** of any abuse, possession or distribution, respondent consents to the entry **of** an Order resulting in the immediate automatic temporary suspension or **license**. Said **suspension** is to **be** memorialized in a public State Board of **Medical Examiner's** Order.

4. Respondent shall **have** the right to apply for **removal** of the automatic suspension on two (2) **days notice** but in such event shall **be** limited to a showing that the urine tested was not his or was a false positive.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By William V. Harrer M.D. B.L.D.
William V. Harrer, M.D., B.L.D.

I agree to be bound by the **terms**
of this Consent Order.

Alexander B. Kudryk M.D.
Alexander B. Kudryk, M.D.

Louis E. Baxter, M.D., F.A.S.A.M.
Louis E. Baxter, M.D., F.A.S.A.M.

Executive Medical Director
Physicians. Health Program